



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FISH & RICHARDSON, PC
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

COPY MAILED

APR 11 2007

In re Application of
Connie Carmichael et al.
Application No. 09/638,304
Filed: August 14, 2000
Attorney Docket No.: SD-CARMI-SCH051006-
1SXG

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b),¹ filed December 21, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on April 29, 2004, for failure to file a timely reply to the non-Final Office Action mailed January 28, 2004. Accordingly, a Notice of Abandonment was mailed August 10, 2004. In response thereof, a petition to revive under 37 CFR 1.137(a) was filed August 10, 2006 but was dismissed in a decision mailed October 23, 2006.

Comes now the instant petition to revive under the unintentional standard.

All requirements under 37 CFR 1.137(b) having been met, including the filing of an amendment on August 10, 2006, this matter is being referred to Technology Center 2173

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

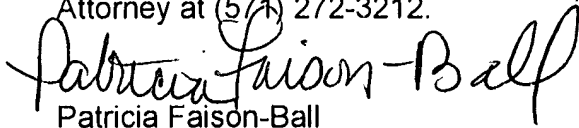
(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(e)).

for treatment of the amendment, as appropriate.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style. The first name "Patricia" is written with a large, looped 'P'. The last name "Faison-Ball" is written with a large, looped 'F' and a long, sweeping 'l' at the end.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions